

### ***Remarks***

#### **Status of the Claims**

Claims 15-28 are pending in the application. Claims 22-28 are withdrawn for being directed to non-elected subject matter. Claims 15, 16, and 18 are amended herein. Support for the amendment to claim 15 can be found, *inter alia*, at page 2 line 30 of the English translation of the specification. Claims 15-21 are under examination.

#### **I. Claim Objections**

Claim 18 is objected to for use of improper multiple dependent claim format. (Office Action, page 2.) Applicants have amended claim to depend from claim 1. The amendment to claim 18 does not add new subject matter. Applicants respectfully request withdrawal of the objection to claim 18.

#### **II. Rejections under 35 U.S.C. § 112, second paragraph.**

Claims 16 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite. (Office Action, page 2.) Applicants have amended claim 16 by deleting the term “preferably.” Applicants believe that amended claim 16 is fully compliant with the requirements of 35 U.S.C. § 112, second paragraph and respectfully request reconsideration and withdrawal of the rejection.

#### **III. Rejections under 35 U.S.C. §§ 102(b) and 103(a)**

Claims 15-17 and 19-21 stand rejected under 35 U.S.C. §§ 102(b) and 103(a) as being anticipated by, or in the alternative, as obvious over Conners (WO 97/24169). (Office Action, page 2.) Applicant respectfully disagrees but has amended independent claim 15 in order to facilitate prosecution.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631 [2 U.S.P.Q. 2d 1051] (Fed. Cir. 1987). As amended herein, independent claim 15 is directed, in part, to a filter element for a chromatographic column “wherein the filter (10) is fixedly joined to the inside of the support cage(3).” Conners, at page

10, lines 27-32, discloses that the support cage is tapered at one end to facilitate the insertion or removal of the filter element. At page 11, second paragraph, Conners discloses a small gap between the filter and the support cage to allow axial movement of the filter and insertion and removal of the filter from the support cage. Based on these disclosures it is apparent that Conners does not disclose a filter element that is “fixedly joined” and therefore does not anticipate current claim 15. Further, because Conners discloses a filter element that may be inserted, removed or axially moved, Conners does not suggest that the filter element be “fixedly joined” and therefore a *prima facie* case of obviousness has not been established.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102(b) and 103(a).

#### **IV. Rejections under 35 U.S.C. § 103(a)**

Claims 16 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Conners in view of Malkin (U.S. Patent Application No. 2002/0108896). (Office Action, page 3.)

Claims 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Conners in view of Tittgen (DE 10,201,858), McLean (U.S. Patent No. 3,187,663), Painter (U.S. Patent No. 3,235,088), Scarano (U.S. Patent No. 5,118,421), Van Ooijen (U.S. Patent No. 5,344,559), and May (U.S. Patent No. 5,419,373). (Office Action, page 3.)

As discussed above, Conners does not disclose or suggest a filter element that is “fixedly joined” as recited in independent claim 15 from which claims 16 and 19-21 depend. None of Malkin, Tittgen, McLean, Painter, Scarano, Van Ooijen or May, alone or in combination, correct this deficiency. Therefore a *prima facie* case of obviousness has not been established.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a).

***Conclusion***

Prompt and favorable consideration of this amendment and reply is respectfully requested. Applicants believe the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

/Peter G. Foiles/

Peter G. Foiles, Reg. No. 46,477  
Agent for Applicants  
Life Technologies Corporation

Date: March 8, 2009